United Nations ST/AI/2011/8

Secretariat

28 July 2011

Administrative instruction

Review committees on contracts

The Under-Secretary-General for Management, pursuant to section 4.2 of Secretary-General's bulletin ST/SGB/2009/4 and for the purpose of implementing financial rule 105.13 (b) establishing contract review committees at Headquarters and other locations, promulgates the following:

Section 1
Definitions

For the purposes of the present instruction, the following definitions shall apply:

(a) "Authorized official" shall refer to an individual holding authority under the Financial Regulations and Rules of the United Nations;

(b) "Review committees on contracts" or "review committees" or "committees on contracts" shall refer to committees established pursuant to financial rule 105.13 (b). "Headquarters Committee on Contracts" shall refer to the committee established at Headquarters in New York. All other committees on contracts shall be referred to as "local committees on contracts";

(c) "Chair", "Acting Chair" or "Deputy Chair" shall refer to an individual presiding over the meetings of the committee on contracts. The Chair shall transmit the recommendations of the committee to the authorized official;

(d) "Threshold" shall refer to the proposed value of procurement action for which the advice of the Headquarters or local committee on contracts must be obtained. Any proposed procurement action valued below the thresholds set for the Headquarters and local committees on contracts shall not be subject to a review by the committee except at the request of the authorized official (see annexes I and II). "Income threshold" shall refer to the proposed value of procurement action that involves income to the Organization;

(e) "Acquisition process" shall refer to the steps necessary to acquire goods and services, inter alia, through planning, budgeting, conducting solicitations, obtaining approvals, entering into contract negotiations and carrying out contract fulfilment;

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(f) "Core requirements" shall refer to essential goods and services which by their nature lend themselves to local procurement and are not available through Headquarters contracts (see the United Nations Procurement Manual).

Section 2
Introduction

2.1 A review committee on contracts was established pursuant to Secretary-General's bulletin ST/SGB/6/Add.1 dated 26 November 1946. The bulletin was subsequently modified under the provisions of ST/SGB/Organization, annex I, of June 1976.

2.2 The purpose of the present instruction is to provide further clarity on the terms of reference of review committees on contracts at Headquarters, offices away from Headquarters, regional commissions and other offices and field missions of the United Nations.

Section 3
Authority and responsibility

3.1 As provided in financial rule 105.13 (b), the Under-Secretary-General for Management, or duly authorized officials under financial rule 105.13 (a), shall establish review committees on contracts.

3.2 Under the provisions of administrative instruction ST/AI/2004/1, the Under-Secretary-General for Management has delegated procurement authority under the Financial Regulations and Rules, notably rules 105.13 to 105.19, to the Assistant Secretary-General for Central Support Services, who in turn, through personal delegation of authority, has delegated the same authority to offices away from Headquarters, regional commissions and other offices, as well as to the Under-Secretary-General for Field Support, who then has delegated procurement authority to field missions and offices supported by the Department of Field Support.[1]

Section 4
Purpose, role and functions of review committees

4.1 Pursuant to the provisions of financial rule 105.13 (b), committees on contracts are established at Headquarters, offices away from headquarters, tribunals, regional commissions, other field offices and missions to render written advice on proposed procurement actions, which include agreements or other written instruments, such as letters of assist. Review committees on contracts shall also render written advice to authorized officials on proposed contracts that involve income to the United Nations. In accordance with financial rule 105.13 (c), where the advice of a review committee is required, no final action leading to the award or amendment of a procurement contract may be taken before such advice is received.

4.2 The review committees are an integral part of internal controls and serve as advisory bodies to the authorized officials in discharging their procurement-related responsibilities under the Financial Regulations and Rules.

[1] Pursuant to a delegation of authority, the Under-Secretary-General for Field Support is authorized to establish review committees in peacekeeping and political missions administratively supported by the Department of Field Support by applying the provisions in the present instruction.

4.3 The review committees shall perform the following functions:

(a) Review proposed procurement actions and income-generating contracts that are subject to review pursuant to section 9 below and advise authorized officials in writing if the principles set out in financial regulation 5.12 have been given due consideration and whether the proposed actions comply with all applicable financial regulations and rules, as contained in Secretary-General's bulletin ST/SGB/2003/7 and related administrative instructions and procurement policies, including those set out in the Procurement Manual. Those principles are:

(i) Best value for money;

(ii) Fairness, integrity and transparency;

(iii) Effective international competition;

(iv) The interest of the United Nations;

(b) Provide recommendations to authorized officials on whether to approve the proposed procurement action or income-generating contract;

(c) As may be considered necessary or advisable on the basis of reviews conducted, provide comments and other recommendations to authorized officials on the acquisition process.

4.4 Notwithstanding any other provisions contained herein, the review committees shall not provide advice on the adequacy or necessity of the requirements of the proposed procurement action. Such responsibility rests with other officials, including certifying officers and programme managers. Similarly, review committees are not responsible for determining how to conduct a particular procurement action. Such responsibility rests with the head of the procurement office at the duty station concerned.

Section 5
Composition

5.1 To the extent possible, the Headquarters Committee on Contracts shall be composed of staff members at the P-5 level and above, and local committees on contracts at the P-4 level and above.

5.2 The members and alternate members of the Headquarters and local committees on contracts shall have commercial, financial or legal academic training and experience or other relevant qualifications, including training in procurement.

5.3 It is mandatory for members of Headquarters and local committees on contracts to undertake general and specific training conducted by the secretariat of the Headquarters Committee on Contracts for which certificates of completion will be issued. The certificates are applicable to any other duty stations for purposes of eligibility to serve on the review committees. The secretariat of the Headquarters Committee on Contracts will be responsible for developing the training programme and making the training available to members of both Headquarters and local committees on contracts.

Headquarters Committee on Contracts

5.4 The Headquarters Committee on Contracts shall have five voting members serving in their individual expert capacity, including the Chair or the Deputy Chair. Each member shall have one or more alternates, who will serve in his or her absence.

5.5 Meetings of the Headquarters Committee on Contracts shall be chaired by the Chair or the Deputy Chair, both of whom shall be staff members of the Office of the Under-Secretary-General for Management and be nominated by the Under-Secretary-General for Management. In the absence of the Chair or the Deputy Chair, meetings can be chaired by another member nominated by the Chair or the Deputy Chair.

5.6 In addition to the members from the Office of the Under-Secretary-General for Management, a member and four alternate members shall be appointed to the Headquarters Committee on Contracts from each of the following offices or departments:

(a) Office of Programme Planning, Budget and Accounts;

(b) Office of Legal Affairs;

(c) Department of Economic and Social Affairs;

(d) Department of Peacekeeping Operations.

Local committees on contracts

5.7 The local committees on contracts shall have four voting members serving in their individual expert capacity. Each member shall have one or more alternates who will serve in his or her absence, including the Chair.

5.8 The Chair and the members shall be appointed by the Head of Administration of the concerned office away from Headquarters, regional commission or other office or the Director or Chief of Mission Support of a field mission supported by the Department of Field Support. Taking into account local circumstances, normally local committees on contracts should have members with the following comparable functions:

(a) Finance or Budget Officer;

(b) Legal Officer;

(c) Administrative Officer;

(d) Programme Management Officer.

5.9 In appointing members, member qualifications should be taken into consideration (see sect. 5.2 above).

5.10 The heads of Administration or the Directors or Chiefs of Mission Support shall be responsible for ensuring that members of local committees on contracts receive training by the secretariat of the Headquarters Committee on Contracts prior to their appointment.

Section 6
Recusal

Members of the committees on contracts shall recuse themselves from reviewing cases where they have a requisitioning role or where there is a conflict of interest.

Section 7
Tenure

Except for the Chair and Deputy Chair of the Headquarters Committee on Contracts, members shall serve the review committees for a maximum term of three years, renewable once, for a maximum of six years. After two successive appointments, a member shall be ineligible for reappointment to the review committees for a period of one year. There shall be no limit to the total number of terms a staff member may serve as a member.

Section 8
Quorum

For all review committees, a quorum for conducting business shall exist when three members are present.

Section 9
Types of proposed procurement actions subject to review

Headquarters Committee on Contracts

9.1 The Headquarters Committee on Contracts will review the following types of proposed procurement actions:

(a) Any award to a single contractor in respect of a single requisition or a series of related requisitions that in total exceeds the Committee's threshold of $500,000 (with some exceptions, as indicated in annex I) in contract value during the term of the contract, including any optional extension periods;

(b) Any amendment, modification or renewal (hereinafter "modification") of a contract reviewed by the Headquarters Committee on Contracts where the modification increases the previously approved not-to-exceed contract value by more than 20 per cent, or $500,000, whichever amount is lower;

(c) Any modification of a contract previously reviewed by the Headquarters Committee on Contracts where, in the judgement of the Director of the Procurement Division, such modification would significantly affect the procurement process that led to the original contract award or the original contract terms. The Committee shall review such proposed modification with reference to the criteria on which the original award was approved;

(d) Any modification not previously submitted to the Headquarters Committee on Contracts where the aggregate contract value now exceeds the Committee's threshold;

(e) Any letter of assist with a Member State if its value exceeds $200,000;

(f) Any other matter relating to a proposed procurement action or contract referred to the Committee by the authorized official.

9.2 The Headquarters Committee on Contracts will review the following types of proposed income-generating contracts:

(a) Any contract or series of related contracts that involve income to the Organization of $40,000;

(b) Any modification of an income-generating contract previously reviewed by the Headquarters Committee on Contracts which results in an increase or decrease in income during a calendar year by 20 per cent or more;

(c) Any modification of a contract previously reviewed by the Headquarters Committee on Contracts where, in the judgement of the Director of the Procurement Division, such modification would significantly affect the procurement process that led to the original contract award or the original contract terms. The Committee shall review such proposed modification with reference to the criteria on which the original award was approved;

(d) Any modification of an income-generating contract not previously reviewed by the Headquarters Committee on Contracts where, as a result of the modification, the income from the contract now exceeds $40,000;

(e) Any other matter relating to a proposed or existing income-generating contract referred to the Headquarters Committee on Contracts by the authorized official.

9.3 The provisions in section 9.2 (a), (b) and (d) above shall not apply to contractual provisions resulting from recommendations of the Property Survey Board.

9.4 The authorized official may from time to time modify the Committee's threshold and income threshold as required.

Local committees on contracts

9.5 The provisions of sections 9.1 to 9.3 shall apply, mutatis mutandis, to local committees on contracts, except that their threshold shall be as indicated for all offices away from Headquarters in annex II and the income threshold specified in section 9.2 (a) shall be $10,000.

Section 10
Secretariats of the Headquarters and local committees on contracts

Headquarters Committee on Contracts

10.1 The Committee shall be supported by a secretariat, headed by the Chair of the Committee. The secretariat shall be responsible for organizing and servicing meetings of the Committee and preparing meeting minutes and recommendations for final approval of authorized officials.

10.2 The Chair is responsible for, inter alia, the following:

(a) Approving case submissions for inclusion on the agenda;

(b) Reviewing submissions prior to meetings to ensure the completeness of case submissions;

(c) Convening and chairing meetings;

(d) Bringing to the attention of authorized officials issues relating to fairness, integrity and transparency throughout the acquisition process;

(e) Notifying the Director of the Procurement Division of presentations rejected or deferred by the Committee, specifying the reasons therefor;

(f) Submitting minutes and recommendations for approval to authorized officials within 10 business days of the conclusion of the meeting;

(g) Nominating a member of the Committee to serve as Acting Chair in the absence of both the Chair and the Deputy Chair;

(h) Supervising and managing the work of the Committee's secretariat and advising authorized officials on substantive developments and related issues.

10.3 The Secretary of the Committee is not a member and services the Committee in a non-voting capacity. Under the general supervision of the Chair, the Secretary shall perform, inter alia, the following functions:

(a) Arranging and coordinating meetings;

(b) Ensuring the timely and efficient distribution of presentations and relevant documentation to members;

(c) Drafting meeting minutes and recommendations;

(d) Liaising with the Procurement Division and field offices on issues involving procedures, requesting additional information or clarifications to presentations and transmitting any enquiries raised by members regarding case presentations under review;

(e) Maintaining a permanent and secure record of all minutes, recommendations and case presentations reviewed by the Committee;

(f) Compiling statistics on the workload, activities and other matters pertaining to the Committee's functioning.

10.4 The secretariat is tasked with performing the following functions at the request of the authorized official or the person acting on his or her behalf:

(a) Analysing the Committee's recommendations and identifying systemic trends and issues in the acquisition process;

(b) Monitoring the proper functioning of the local committees on contracts, including those established by the Under-Secretary-General for Field Support pursuant to delegation of procurement authority;

(c) Conducting field assessments of the local committees on contracts, in consultation with the Procurement Division and the Department of Field Support;

(d) Conducting periodic training of review committee members and secretaries;

(e) Servicing the administrative body to be established on a pilot basis to review vendor procurement challenges.

Local committees on contracts

10.5 The secretariats of the local committees on contracts shall, mutatis mutandis, have the same responsibilities as described in paragraphs 10.1 to 10.3 above.

Section 11
Procedures

The Headquarters Committee on Contracts shall establish its own rules of procedure within the framework of the present administrative instruction, and the local committees on contracts shall, mutatis mutandis, adhere to them in discharging their responsibilities.

Section 12
Final provision

The present administrative instruction shall enter into force on the date of its issuance.

(*Signed*) Angela **Kane**
Under-Secretary-General for Management

Annex I

Value of proposed procurement awards that require review by the Headquarters Committee on Contracts

Type of cases	*Threshold*
All cases	$500,000
Letters of assist	$200,000
Exceptions	
Capital master plan	$5,000,000 for all contract amendments
Short-term logistics and transportation requirements (sea and air charter)	(a) $5,000,000, where the award is made to the lowest cost bid or proposal (b) $2,000,000, where the award is made to the lowest substantially conforming bid (in the case of invitations to bid) or where the award is made to the most responsive proposal (in the case of requests for proposals) but, in either case, the bid or proposal was not the lowest cost (The clauses above will not apply to awards in respect of sole bids or sole proposals. See Procurement Manual, section 3.3, paragraph 2 (a) (v))
Core requirements for peacekeeping and political missions	$1,000,000

Annex II

Value of proposed procurement awards that require review by local committees on contracts and those that require subsequent review by the Headquarters Committee on Contracts as at 1 March 2011

Office	*Value of contracts that require a review by a local committee on contracts*	*Value of contracts that require subsequent review by the Headquarters Committee on Contracts*
United Nations Office at Nairobi	$200,000	$5,000,000
United Nations Office at Geneva	$200,000	$5,000,000
United Nations Office at Vienna	$200,000	$5,000,000
Field missions and offices administered by the Department of Field Support	Any amount above the delegated authority of the Chief Procurement Officer	$500,000 for non-core requirements and $1,000,000 for core requirements
Regional commissions	Any amount above the delegated authority of the Chief Procurement Officer	▪ Values over $200,000 and up to $500,000 require a review by the Procurement Division only ▪ Values over $500,000 require a review by the Procurement Division and the Headquarters Committee on Contracts
Tribunals	Any amount above the delegated authority of the Chief Procurement Officer	▪ Values over $200,000 and up to $500,000 require a review by the Procurement Division only ▪ Values over $500,000 require a review by the Procurement Division and the Headquarters Committee on Contracts

United Nations ST/AI/2011/9

Secretariat

1 August 2011

Administrative instruction

Coordination of action in cases of death of staff members: travel and transportation in cases of death or health-related emergency

The Under-Secretary-General for Management, pursuant to section 4.2 of the Secretary-General's bulletin ST/SGB/2009/4, and for the purpose of implementing staff rules 7.1 (a) (v) and 7.2 (d) (v), hereby promulgates the following:

Section 1
Designation of a coordinating department or office in case of death of a staff member

General

1.1 Responsibility for coordinating the actions required when a staff member dies while in the service of the Organization shall rest with the following departments or offices:

(a) The Department of Field Support for staff in peacekeeping operations and special political missions. The Department may request the mission at which the staff member has died to assume coordinating authority for staff members locally recruited at that mission;

(b) The Office of Human Resources Management for staff members serving in New York or on travel status from New York, except for staff covered under section 1.1 (a) above;

(c) The human resources office responsible for the determination of separation entitlements of staff members serving at duty stations away from Headquarters.

1.2 In the event of an emergency, the Emergency Preparedness and Support Team in the Office of Human Resources Management will coordinate and complement the activities of the department and/or office designated under section 1.1 above by ensuring the provision of essential support to survivors and the families of those who perish or are injured as a result of a malicious act, natural disaster or other emergency situation, as described in General Assembly resolution 64/260.

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Special circumstances

1.3 When the circumstances of a staff member's death or his or her position in the Organization is of such public interest as to involve the Secretariat as a whole, the Office of Human Resources Management may assume responsibility, either at its own initiative or at the request of the department or office normally responsible under section 1.1 above.

1.4 When a staff member dies as a result of malicious acts, under suspicious or unclear circumstances and/or in an accident, the senior United Nations official closest to the scene shall take charge and coordinate his or her action with the Department of Safety and Security. The Office of the Under-Secretary-General for Safety and Security shall exercise overall authority until the investigation is concluded, at which point the coordinating department or office designated under section 1.1 shall assume responsibility, or, in the event of an emergency, the Emergency Preparedness and Support Team in accordance with section 1.2 above.

Section 2
Functions of the coordinating department or office

2.1 The coordinating department or office shall immediately:

(a) Notify the next of kin and the officials responsible for the administrative, medical or counselling actions required. Within the authority delegated to departments and offices, responsibility for taking such administrative actions is defined by the administrative instructions on personnel payroll clearance action (ST/AI/155/Rev.2 and Amend.1);

(b) Designate a staff member to act as focal point for the family ("the family focal point"). The family focal point shall contact, in the first instance, the person or persons noted by the deceased staff member as his or her emergency contact(s). The family focal point shall assist the family of the deceased staff member in any way possible and guide them through the process of applying for and obtaining all relevant entitlements.

2.2 The family focal point shall work closely with the Office of Human Resources Management and other offices involved. Those offices shall, as a matter of priority, keep the family focal point informed of all developments in order to enable the focal point to properly assist the family and generally provide the focal point with the fullest assistance in the discharge of his or her functions.

2.3 In the event of an emergency, the Emergency Preparedness and Support Team will provide immediate response to an incident, support the deployment of the United Nations medical emergency response team and rapid response administrative personnel teams, which will identify and keep track of victims, coordinate and prioritize needs, including medical evacuation and psychological support, work with local medical facilities to monitor the provision of medical and support services by those facilities and liaise with the third-party administrators for United Nation health insurance plans and with the United Nations office responsible for management of the health insurance plans covering the affected staff members.

Section 3
Travel in cases of death or health-related emergency

Medical evacuation

3.1 Travel on medical evacuation shall be authorized in accordance with the provisions of administrative instruction ST/AI/2000/10 of 21 September 2000 (or as amended).

Other travel

3.2 The discretionary authority of the Secretary-General to authorize travel of staff members and their eligible family members for compelling reasons under staff rules 7.1 (a) (v) and 7.2 (d) (v) may be exercised as follows:

Serious injury or illness of a staff member

(a) In case of serious injury or illness of a staff member not accompanied at the duty station or mission area by an eligible family member, the travel of such a family member to visit the staff member may be authorized, provided that the Medical Director certifies that the condition of the staff member requires the presence of the family member and that the family member's travel cannot be covered under other official travel. The standard of air travel accommodation to be provided to the eligible family member shall be economy class;

Death of a staff member

(b) In case of death of a staff member, the following provisions may apply:

(i) Travel of an eligible family member may be authorized to the duty station or mission area to attend the burial and/or to accompany the remains to the place to which the deceased was entitled to return travel. Travel under the provisions of this subsection is without prejudice to the normal entitlement of the eligible family member to return travel on the separation of the staff member;

(ii) Alternatively, and at the request of the family, travel of a staff member other than a family member may be authorized to accompany the remains to the place to which the deceased was entitled to return travel;

Death of a family member

(c) In case of death of an eligible family member at the duty station or in the mission area, round trip travel for the staff member to accompany the remains to the place to which the deceased was entitled to return travel may be authorized;

(d) When the remains are transported to a place other than the place of entitlement to return travel, the expenses to be borne by the Organization for travel to accompany the remains under sections 3.2 (b) or (c) above shall not exceed the amount which would have been payable for travel to the place of entitlement to return travel.

Section 4
Transportation of decedents

Death of a staff member

4.1 Upon the death of a staff member for whom there is an entitlement to return transportation under staff rule 7.18, the family may request payment of the expenses of transportation of the body as follows:

Transportation by the Organization

(a) For an internationally recruited staff member, transportation may be authorized from the official duty station or the place of death to the place of recruitment, or the place of home leave, where authorized under staff rule 7.1 (b);

(b) For locally recruited staff members on travel status, from the place of death to the parent duty station;

(c) If the family wishes to transport the body to any other place, the expenses to be borne by the Organization shall not exceed the amount which would have been payable to the place of entitlement to return travel. The expenses for transportation of the remains shall include reasonable costs for preparation of the body;

Lump-sum option

(d) For internationally recruited staff described in section 4.1 (a) above, the beneficiaries of the deceased staff member may opt for a lump-sum payment in lieu of the Organization's assistance in managing the transportation and other activities and expenses pertaining to the handling of the remains of the staff member. The lump-sum is a one-time payment of the amount specified in section 4.1 (e) and serves to cover any and all transportation costs of the remains of the staff member to the place to which he or she was entitled to return travel in accordance with section 4.1 (a) above, any and all expenses including, but not limited to, preparation and transportation of the body, travel of a family member as described in section 3.2 (b) above and any and all other reasonable and admissible expenses, in line with the provisions set out in the handbook for action in cases of death in service.[1] The lump-sum payment will be the total amount of financial assistance provided by the Organization for such expenses. No other payments will be provided by the Organization for such expenses, including under compensation schemes for service-incurred death, as applicable;

(e) The global rate for the lump-sum option will be $10,000. The rate will be reviewed periodically and, if necessary, adjusted when appropriate;

(f) Once the family has been advised of the amount of the lump-sum option, the deceased staff member's beneficiaries as defined under staff rule 1.6, or a legal guardian in the case where the beneficiaries are minors, shall have five (5) working days to notify the executive, administrative or local human resources office of their agreement to accept the lump sum. If notice to elect the lump sum is not received within the five (5) working days, the United Nations will assume the responsibility of preparation and transportation of the body. However, should the lump-sum option

[1] http://un-epst.org/epst-news/death-in-service-handbook.

be accepted, any costs incurred by the Organization resulting from miscellaneous expenses, including, but not limited to, preparation and storage of the body, will be offset from the lump-sum payment;

(g) The lump-sum option shall not be available on a partial basis;

(h) Once the lump-sum option has been selected, it shall not be possible to reverse the decision and request the Organization to assist in managing the transportation or other activities and expenses pertaining to the handling of the remains of the staff member;

(i) The Organization shall not be responsible for delays or additional expenses that may be incurred or liabilities that may arise as a result of the exercise of the lump-sum option.

Local interment

4.2 Alternatively, the family may request the Organization to pay the reasonable costs for local interment.

Death of spouse or dependent child

4.3 Upon the death of a spouse or dependent child previously authorized to travel to the duty station under staff rule 7.2 the staff member may request the Organization to pay the expenses of transportation of the remains or the expenses of local interment. Pursuant to section 4.1 (d) through (i), the staff member may also opt for a lump-sum payment in lieu of the Organization's assistance in managing the transportation or other activities and expenses pertaining to the handling of the remains.

4.4 The reasonable costs that may be reimbursed for preparation of the body of the deceased in New York prior to transportation or for local interment in New York shall be determined by the Assistant Secretary-General for Human Resources Management. At other duty stations, reasonable costs shall be determined by the Chief of Administration or the corresponding official.

Section 5
Final provisions

5.1 The present administrative instruction shall enter into force on the date of its issuance.

5.2 Administrative instruction ST/AI/2000/14 of 9 November 2000, is hereby abolished with effect from 31 July 2011.

(*Signed*) Angela **Kane**
Under-Secretary-General for Management